

UNITED STATES DISTRICT COURT NORTHERN DISTRICT ILLINOIS

FILEDPlaintiff
Keenan BrownJUL 09 2021 *CLV*

No. 21cv1769

Judge: Honorable Charles R. Norgle, Sr

Vs **THOMAS G. BRUTON**
CLERK, U.S. DISTRICT COURT

Magistrate Judges: Jeffery Cole

Defendant
McDonald's Restaurants of
Illinois, Inc.**PRO SE LITIGANT RESPONSE TO DOCKET #14 "SHOW CAUSE"****NATURE OF CASE**

As Pro se litigant, during the pandemic much help wasn't available due to Covid 19. Pro Se has did his due diligence to seek justice in the court of law. Pro Se previously filed complaint in state court against defendant and asked state Judge for the case to be transferred to Federal court. The Judge granted and dismissed the case without Prejudice so that Pro Se can pursue the case in Federal court. (*See Exhibit O,H&I*)

The year 2020 was rough year for all-American citizen. In fact, all over the world, we dealt with many triumphs such as Covid19 Racism Police Brutality Political Warfare in some case Food shortages while losing love ones we cared so much for.

BROWN PREVIOUS COMPLAINT

1. Plaintiff Keenan Brown filed initial complaint February 2nd, 2020. After filing initial complaint Judge Kennelly issued order back to Pro Se Litigant on March 25th, 2020. Judge Kennelly stated that there were two significant problems with this complaint. "First, he has not sued the proper defendant he needs to sue the owner of the particular McDonalds franchise and,

perhaps, the employee, not the national corporate entity whose actual name is McDonalds' Corp". "Second, and perhaps most importantly, there does not appear to be a basis for federal Jurisdiction over Mr. Brown's claims. His complaint does not describe a violation of any federal statute-at least none that he identifies."

3. Judge Kennelly stated that the Defendant actual name is McDonalds's Corp and stated that this McDonald's Plaintiff is suing a franchise. The information Judge Kennelly stated is incorrect. Defendant Store located in Bolingbrook, Illinois on Weber Rd, is a Corporate store and not ran by a franchise owner. Plaintiff has done his own due diligence and the Defendant is McDonald's Restaurants of Illinois Inc. (see *EXHIBIT A, E,F,G,N*)

4. Judge Kennelly never granted the U.S. Marshalls to serve the defendant to even verify whether Plaintiff was suing the correct Defendant. Summons was never issued in the previous case the Defendant was not served nor did the defendant file attorney appearance. (see *EXHIBIT A B,M,O, D&J*). This case shall not be transferred back to Judge Kennelly due to his assumptions and lack of research efforts stating that this store is a franchise and not issuing summons to defendant. Judge Kennelly never gave Pro se Litigant case a chance for trial by jury. Plaintiff has stated claims that relief can be granted also his civil rights was not respected. (see *EXHIBIT D,E,F,G,&J*)

5. It appears to pro se litigant that Judge Kennelly defeated Pro se without a response from the defendant to file motion to dismiss. Pro se litigant received a via email form previous state court defendant attorney Stacy Falco stating ***"I was just on the website for the Northern District of Illinois, and it appears you filed something against***

McDonald's Restaurants – case number 20 CV 851. I previously asked you to send me a copy of any complaint that you may file in federal court, but I have not received any filed document a of yet. My client also has not received any document filed against it in federal court. Please email me a copy of anything you have filed against McDonald's in federal court. Thank you.” Stacy. (See EXHIBIT B&D, E, F, G, &J)

RES JUDICATA

6. **Res Judicata** a loser defendant or plaintiff cannot re-sue a winner when both cases involve the same parties or privies, of the same cause of action unless the losing party is suing for a different action. In this case Res Judicata does not apply to this case because this is a new defendant. **McDonald's Restaurants of Illinois Inc.** (see Exhibit A&N) **McDonald's Restaurants Inc** was not served for it to even be litigated. Neither has **McDonald's Restaurants of Illinois Inc.** The previous state attorney admitted via email that attorney and client has not or never been served a US summon usm-285 form the USA Marshall nor was there a receipt of proof of service that Pro Se Litigant was suing the wrong defendant. (see EXHIBIT A B, D&N) For Example, Pro Se current complaint, Brown was sent proof of service on May 21, 2021. (see EXHIBIT C)

7. **McDonald's Restaurant of Illinois Inc.** has never been litigated neither has the case been brought to district court. Res judicata only applies to a case that has been litigated and judged. Res Judicata does not apply because it's not the same defendant and the previous defendant never got served. (see EXHIBIT A B, C,D E,F G& N) if the defendant was served pro

se would have received a proof of services like his 2021 complaint. But It was never entered into docket system of defendant filing attorney appearance or proof of summons for case that was with Judge Kennelly. (*see EXHIBIT C*)

IN FORMA PAUPERIS

Previous Judge Kennelly dismissed and skipped pro se litigant In forma Pauperis. Judge enter judgment without even accepting the case so if Informa Pauperis was never granted plaintiff case shouldn't been denied before the In forma Pauperis was granted the judge never let the defendant argue or defend its response to pro se litigant claim. (*See Exhibit D,J,O,&G*)

The defendant is claiming the res judicata rules, but this is not a reassignment. This consider a new case due never being served a summoned form from US Marshall nor did Pro Se litigant receive a proof service nor did the defendant file attorney appearance in previous in pro se litigant complaint case No.20 cv851 February 5th 2020. On March 31st,2021 pro se filed a new case complaint and the defendant respond by filing an **attorney appearance** and **notice of filing** stating the aware of case (*see EXHIBIT C, L, M*). (*see EXHIBIT A, D, N &J*). MCDONALD'S RESTAURANRANTS OF ILLINOIS INC. In which was not filed in District court on February 2nd, 2020. (*see EXHIBIT I,A N, D*)

The defendant acknowledge they has been served due to proof services return and attorney appearance and filing. (*see EXHIBIT C*) for new case but never filed attorney appearance nor a notice of filing during plaintiff pervious complaint case No.20cv851. (*See EXHIBIT B,D*)

RULE 12(B)(6)

On page four docket No.13 ¶ the defendant is claiming Frcp 12(b)(1) & (1)&(6) “rule stating the court does not have jurisdiction over actions.” (See *EXHIBIT Q*)

Pro Se case should not be dismissed nor transferred. Defendant owed Pro Se duty of care when throwing hot beverage at Pro Se. Defendant breached that duty based on Pro Se protected status being an African American Male. Plaintiff suffered injuries due to defendant negligence and intentional discrimination by throwing two hot teas beverages at Pro Se and Defendant was aware beverages were extremely hot and knew there was no lid. Plaintiff suffered burns, mental damage, emotional trauma, panic attacks, anxiety, mental intellect was off and disturb, pain and suffering. It affected plaintiff work couldn't perform properly. The injuries were a result of Defendant throwing two hot teas beverage at plaintiff.

RULE 12(B)(1)

Jurisdiction is proper because Pro Se Litigant is a citizen of the state of Georgia. Pro Se can provide legal proof that Federal Laws requires, and Honorable Judge Norgle sees fit. 28 U.S. Code § 1332 - Diversity of citizenship. (a)The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between— (1) citizens of different States.

CONCLUSION

In closing, Pro se litigant is requesting that honorable Judge Norgle will resume litigating this proceeding to seek a trial date for justice in the court of law. Pro Se has showed cause and is owed his day in court with defendant MCDONALDS RESTAURANTS OF ILLINOIS INC. Pro Se has shown his due process and shouldn't be barred from case being heard. Plaintiff is a Pro Se in this case and not an attorney, Pro Se has sought as many resources through this pandemic to support case and shouldn't be held such the highest standard. Plaintiff understands there are rules and procedures in the court of law and has put forth due process to follow.

Defendant owed plaintiff duty of care. Defendant showed reckless disregard and discriminated against plaintiff based on protected status being an African American male. Defendant was aware that beverages were above average and intentionally didn't put lid on two cups and threw them at plaintiff. *Liebeck v. McDonald's Restaurants U.S. CV 93-02419, (1995)*

Plaintiff has suffered burns emotional damage having sleepless night mental trauma seeking therapy from pastor's panic attacks flashback reliving that that moment over and over in his head causing Pro se litigant to be antisocial. Relief should be granted because defendant owed plaintiff duty of care when serving. Pro Se Keenan is seeking relief. This case shouldn't be transferred to Judge Kennelly because Res Judicata cannot be applied. Defendant was never served or issued summons and defendant has never filed an appearance regarding this matter. This is Pro Se first time filing a complaint in Federal Court against MCDONALD'S RESTAURANT OF ILLINOIS INC. (See *EXHIBIT A,B,N,D,O*)

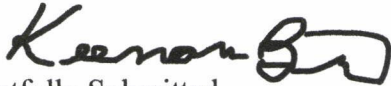
Jurisdiction is proper because plaintiff is a citizen of the state of Georgia and plaintiff is a resident in Roswell Georgia and can provide legal proof that Judge Norgle sees proper and federal law requires. Defendant shall not refer to plaintiff being a citizen of Illinois that is not Plaintiff residence and defendant shall not send mail to a residence that plaintiff didn't provide to Northern District Court for this case. (See *EXHIBIT P*) Nothing has ever been filed in district court against **MCDONALD'S RESTAURANTS OF ILLINOIS INC.** which is the proper defendant. No case has ever been litigated or judged towards defendant **MCDONALD'S RESTAURANT OF ILLINOIS INC.**

Plaintiff should not be bound by Res Judicata because Pro Se has never had an opportunity to have his day in court. Only Defendant from a former judgement can claim res judicata and defendant MCDONALD'S RESTAURANTS OF ILLINOIS INC. has not had its day in federal court with plaintiff KEENAN BROWN. This rule defendant is claiming is impractical. (See *Exhibit A,D,N&J*)

FOR THESE REASONS STATED, Pro Se Keenan Brown case shall continue to move forward with Honorable Judge Norgle and be tried before a Jury.

CERTIFICATE OF SERVICE

This is to certify that on July 8th, 2021 a true and correct copy of Pro Se Keenan Brown Response to HONARABLE JUDGE NORGLER in response to Defendant MCDONALD'S RESTAURANTS OF ILLINOIS INC. was submitted with the Clerk of the Circuit Court using the CM/ECF filing system which will send notification of such filing to the attorneys of record listed below:



Respectfully Submitted,

Pro Se Litigant, Keenan Brown
Dated: July 8th, 2021
Phone: 312-826-4385
P.O. Box 768792
Roswell, GA 30076

Stacy D. Fulco - ARDC 6242933
Margaret L. MacNair - ARDC 6321045
BODELL BOVE LLC
2215 York Road, Suite 515
Oak Brook, IL 60523
#630/382-4800
#630/468-2158 FAX
SFulco@bodellbove.com
mmacnair@bodellbove.com



CYBERDRIVEILLINOIS.COM

Corporation/LLC Search/Certificate of Good Standing

Corporation File Detail Report

File Number	48345701
Entity Name	MCDONALD'S RESTAURANTS OF ILLINOIS, INC.
Status	ACTIVE

Entity Information

Entity Type	CORPORATION
Type of Corp	DOMESTIC BCA
Incorporation Date (Domestic)	Friday, 12 January 1968
State	ILLINOIS
Duration Date	PERPETUAL

Agent Information

Name	PRENTICE HALL CORPORATION
Address	801 ADLAI STEVENSON DRIVE SPRINGFIELD, IL 62703
Change Date	Thursday, 31 March 2011

Annual Report

Filing Date	Wednesday, 10 March 2021
For Year	2021

Officers

President Name & Address	GREGG A EREIO 110 N CARPENTER STREET CHICAGO IL, 60607
Secretary Name & Address	MAHRUKH S HUSSAIN 110 N CARPENTER STREET CHICAGO IL, 60607

[Return to Search](#)



(One Certificate per Transaction)



Plaintiff Settlement Response

Fulco, Stacy <SFulco@cremerspina.com>
To: Onechance2 Onechance2 <bkeen720@gmail.com>

Thu, Mar 19, 2020 at 5:05 PM

Mr. Brown –

I was just on the website for the Northern District of Illinois and it appears you filed something against McDonald's Restaurants – case number 20 CV 851. I previously asked you to send me a copy of any complaint that you may file in federal court but I have not received any filed document a of yet. My client also has not received any document filed against it in federal court.

Please email me a copy of anything you have filed against McDonald's in federal court. Thank you.

Stacy

Stacy D. Fulco

Partner

Cremer Spina | One North Franklin | 10th Floor | Chicago, IL 60606

Ph: 312.601.9682 | Fax: 312.726.3818

sfulco@cremerspina.com | www.cremerspina.com | BLOG: www.stacyfulco.com

CREMER SPINA
SRAUGHNESSY, JANSEN & SIEGERT, LLC

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From: Onechance2 Onechance2 [mailto:bkeen720@gmail.com]
Sent: Friday, February 14, 2020 4:21 PM
To: Fulco, Stacy



1:19

Search

LTE

Done

ecf.ilnd.uscourts.gov



Case: 1:21-cv-01769 Document #: 9 Filed: 05/21/21 Page 1 of 1 PageID #:31

FILED
5/21/2021

TL

A-1-440 (Rev. 06-12) Summons in a Civil Action (Page 2)

Civil Action No.

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (f))

This summons for (name of individual and title, if any) Prentice Hall corp.
 was received by me on (date) 05/20/21

☒ I personally served the summons on the individual at (place) 801 Adlai Stevenson
Springfield, IL 62703 on (date) 05/21/21 : or

☐ I left the summons at the individual's residence or usual place of abode with (name) _____
 _____, a person of suitable age and discretion who resides there,
 on (date) _____, and mailed a copy to the individual's last known address, or

☐ I served the summons on (name of individual) _____, who is
 designated by law to accept service of process on behalf of (name of organization) _____
 on (date) _____, or

☐ I returned the summons unexecuted because _____, or

☐ Other (specify):
1 DUSH 1 hr 165 miles @ .56/mi

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: 05/21/21

Q2L HA
 Server's signature

Quentin Knobloch DUSH
 Printed name and title

600 E. MONROE SPFLD, IL
 Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

EXHIBIT
(C)

U.S. Department of Justice
United States Marshals Service

PROC 285 RECEIPT AND RETURN
See "Inst" U.S. Marshal

1:20-cv-00851
Judge Matthew F. Kennelly
Magistrate Judge Young B. Kim

PLAINTIFF KEENAN BROWN

DEFENDANT Mc'DONALD's RESATARUNT INC'S

SERVE AT { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY
PRINCETON HALL COOPERATION
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
801 ADLAI STEVENSON DR SPRINGFIELD, IL 62703

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

P.O. BOX 2784 ORLAND PARK IL 60462

Number of process to be served with this Form 285

1

Number of parties to be served in this case

1

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold

Fold

Signature of Attorney other Originator requesting service on behalf of:

☒ PLAINTIFF

☐ DEFENDANT

TELEPHONE NUMBER

312-978-2385

DATE

02/04/2020

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated.
(Sign only for USM 285 if more than one USM 285 is submitted)

Total Process

District of Origin

No. _____

District to Serve

No. _____

Signature of Authorized USMS Deputy or Clerk

Date

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in defendant's usual place of abode

Address (complete only different than shown above)

Date

Time

☐ am
☐ pm

Signature of U.S. Marshal or Deputy

Service Fee

Total Mileage Charges including endeavors

Forwarding Fee

Total Charges

Advance Deposits

Amount owed to U.S. Marshal* or (Amount of Refund*)

REMARKS:

PRINT 5 COPIES:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

Form USM-285
Rev. 12/80



**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

Keenan Brown,)	
Plaintiff,)	Case No: 20 C 851
)	
v.)	
)	Judge Kennelly
McDonalds' Restaurants Inc.,)	
Defendants.)	

ORDER

For the reasons stated below, the Court directs the Clerk to enter judgment dismissing plaintiff's federal claim with prejudice and dismissing any state-law claims without prejudice for lack of subject matter jurisdiction.

STATEMENT

In response to the Court's order of March 25, 2020 identifying defects in plaintiff Keenan Brown's complaint, dismissing it, and telling him that unless he corrected these defects the Court would dismiss his case, Mr. Brown filed an amended complaint in which he essentially changed nothing. First, he still has sued the wrong defendant, McDonalds' Restaurants Inc., a national entity and not the particular entity that he claims wronged him. Second, his claim does not describe a cognizable violation of any federal statute, and Mr. Brown offers no other basis for federal jurisdiction (diversity of citizenship does not exist, as the Court explained in its March 25 order). The only statute that comes close is 42 U.S.C. § 1981, but Mr. Brown describes what amounts to a personal injury claim, whereas section 1981 concerns discrimination in connection with contractual rights. See, e.g., *Domino's Pizza, Inc. v. McDonald*, 546 U.S. 470, 476 (2006). This is not what Mr. Brown has alleged. He may be able to assert a personal injury claim in state court, but his federal claim cannot be sustained. The Clerk is directed to enter judgment dismissing Mr. Brown's federal claim with prejudice and dismissing any state-law claims for lack of federal subject matter jurisdiction.



MATTHEW F. KENNELLY
United States District Judge

Date: May 18, 2020

EXHIBT(E)

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS

Keenan Brown,)	
Plaintiff,)	
)	
v.)	Case No. 20 C 851
)	
McDonald's Restaurants of Ill., Inc.,)	Judge: Kennelly
Defendant.)	

ORDER

Plaintiff Keenan Brown has moved to reopen the case, which the Court dismissed for lack of subject matter jurisdiction, and to file an amended complaint. The Court denies the motion [14]. Mr. Brown now seeks to sue a different defendant, but both he and the new defendant are Illinois citizens, which means diversity jurisdiction is lacking. And Mr. Brown's claims still are not sufficient to invoke federal-question jurisdiction: his asserted claim under 42 U.S.C. § 1981 remains deficient for the reasons previously discussed, and his asserted claim under Title VII of the Civil Rights Act of 1964 is deficient because that governs discrimination in employment, and Mr. Brown does not claim that he was or was applying to be an employee of the defendant.



MATTHEW F. KENNELLY
United States District Judge

Date: 6/25/2020

EXHIBIT (F)

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS

Keenan Brown,
Plaintiff,

v.

McDonalds' Restaurants Inc.,
Defendant.

Case No: 20 C 851

Judge: Kennelly

ORDER

For the reasons stated below, the Court dismisses plaintiff's complaint for failure to state a claim. Unless he files, by 4/20/2020, a proposed amended complaint that states a viable claim over which this Court has jurisdiction, the Court will enter judgment against him.

STATEMENT

Keenan Brown has filed a *pro se* complaint against McDonalds' Restaurants Inc. and a motion to proceed *in forma pauperis*, that is, without prepaying the filing fee. For this reason, the Court reviews Mr. Brown's complaint to determine whether it fails to state a claim upon which relief may be granted. See 28 U.S.C. § 1915(e)(2). Mr. Brown alleges that on October 24, 2019, he went to a McDonald's at an unidentified location and ordered food and beverages. He says that a McDonalds worker brought him two hot teas "with no lid tray holder or caution warning signs " and then "toss[ed] steaming hot tea" at him, causing burns. He says the employee did this due to Mr. Brown's race, African-American. He is suing to recover damages for humiliation, pain and suffering.

There are two significant problems with Mr. Brown's complaint. First, he has not sued the proper defendant. He needs to sue the owner of the particular McDonalds franchise and, perhaps, the employee, not the national corporate entity (whose actual name is McDonald's Corp.). Second, and perhaps more importantly, there does not appear to be a basis for federal subject matter jurisdiction over Mr. Brown's claims. His complaint does not describe a violation of any federal statute—at least none that he identifies. And federal diversity jurisdiction under 28 U.S.C. § 1332 is lacking, because McDonald's Corp.'s headquarters (and thus its principal place of business) is in Illinois, making it, like Mr. Brown himself, an Illinois citizen. Unless Mr. Brown can cure these defects by the date listed above, the Court will enter judgment against him.

Date: March 25, 2020


MATTHEW F. KENNELLY
United States District Judge



ORDER - BLANK

2116 (Rev. 2/16)

STATE OF ILLINOIS

UNITED STATES OF AMERICA

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

COUNTY OF DU PAGE

Brown

VS

19 L 1295
CASE NUMBERMcDonald's Restaurants
of Illinois, Inc.

File Stamp Here

ORDER

This cause coming before the Court; the Court being fully advised in the premises, and having jurisdiction of the subject matter, **IT IS HEREBY ORDERED:**

pro se plaintiff, Kerenan Brown,
present in Court and Counsel for McDonald's Restaurants of Illinois, Inc.
present,

① This case is dismissed without prejudice -
with plaintiff granted leave to file
an action in Federal court, pursuant to plaintiff's
motion.

② The court dates of February 19, 2020
and May 5, 2020 are stricken.

Signature of Plaintiff


Name: Clarence Spang ☐ PRO SEDuPage Attorney Number: 03131047Attorney for: DefendantAddress: 1 N. Franklin 10th FloorCity/State/Zip: Chicago IL 60606Telephone Number: 312 721081000Email: clarence.spang@comcast.net

ENTER:

EXHIBIT (H)

Judge

Date:

ILND 44 (Rev. 06/06/17)

CIVIL COVER SHEET

The ILND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (See instructions on next page of this form.)

I. (a) PLAINTIFFS

KEENAN BROWN

DEFENDANTS

McDONALD'S RESTAURANT STORE INC'S

(b) County of Residence of First Listed Plaintiff COOK

(Except in U.S. plaintiff cases)

County of Residence of First Listed Defendant USA

(In U.S. plaintiff cases only)

Note: In land condemnation cases, use the location of the tract of land involved.

(c) Attorneys (firm name, address, and telephone number)
N/A RESPESNTING SELF PRO SI LITIGAIINT

Attorneys (if known)

CREMER, SPINA SHAUGHNESSY, JASEN & SIEGERT, LLC
RACHEL E. OLIVERII. BASIS OF JURISDICTION (Check one box, only.)☒ 1 U.S. Government Plaintiff☒ 3 Federal Question
(U.S. Government not a party)☐ 2 U.S. Government Defendant☐ 4 Diversity
(Indicate citizenship of parties in Item III.)

III. CITIZENSHIP OF PRINCIPAL PARTIES (For Diversity Cases Only.)

(Check one box, only for plaintiff and one box for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Check one box, only.)

CONTRACT	TORTS	PRISON	PROPERTY RIGHTS	REAL PROPERTY	CIVIL RIGHTS	BANKRUPTCY	FORFEITURE/PENALTY	SOCIAL SECURITY	FEDERAL TAXES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 510 Motions <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death P <input type="checkbox"/> 540 Mandar <input type="checkbox"/> 550 Civil R <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Prisoner's Conditions of Confinement <input type="checkbox"/> 791 Employee Retirement Income Security Act <input type="checkbox"/> 791 Employee Retirement Income Security Act <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 448 Education	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigrant Actions	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

1:20-cv-00851

Judge Matthew F. Kennelly

Magistrate Judge Young B. Kim

FEB - 5 2020

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURTV. ORIGIN (Check one box, only.)
☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☒ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation
☐ 8 Multidistrict Litigation Direct File

VI. CAUSE OF ACTION (Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.)

VII. Previous Bankruptcy Matters (For nature of suit 422 and 423, enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this Court. Use a separate attachment if necessary.)

VIII. REQUESTED IN COMPLAINT:

☐ Check if this is a class action under Rule 23, F.R.C.V.P. DEMAND \$ 250,000.0

 Check Yes only if demanded in complaint.
 JURY DEMAND: ☒ Yes ☐ No
IX. RELATED CASE(S) (See instructions)
IF ANY

Liebeck v. McDonald's Restaurants

Judge

Docket Number D-202-CV-199302419

X. This case (Check one box, only.) ☒ is not a refiling of a previously dismissed action ☐ is a refiling of case number ☐ previously dismissed by Judge

Date

1/20/20 see attach from qs

Signature of attorney of record

plaintiff asked that case be dismiss without prejudice

EXHIBIT (I)

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF ILLINOIS

Keenan Brown,

Plaintiff(s),

v.

McDonalds' Restaurants Inc.,

Defendant(s).

Case No. 20 C 851

Judge Matt e e ell

JUDGMENT IN A CIVIL CASE

Judgment is hereby entered (check appropriate box):

☐ in favor of plaintiff(s)
and against defendant(s)
in the amount of \$

which ☐ includes pre-judgment interest.
☐ does not include pre-judgment interest.

Post-judgment interest accrues on that amount at the rate provided by law from the date of this judgment.

Plaintiff(s) shall recover costs from defendant(s).

☐ in favor of defendant(s)
and against plaintiff(s)

Defendant(s) shall recover costs from plaintiff(s).

☒ other: Case is dismissed with prejudice and any state-law claims are dismissed for lack of federal subject matter jurisdiction.

This action was (check one):

☐ tried by a jury with Judge

☐ tried by Judge

☒ decided by Judge Matt e e ell

presiding, and the jury has rendered a verdict.
without a jury and the above decision was reached.
on a motion

Date: 5/18/2020

Thomas G. Bruton, Clerk of Court

Melissa Astell

, Deputy Clerk



IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT
OF ILLINOIS EASTERN DIVISION

KEENAN BROWN,

Plaintiff,

v.

MCDONALD'S RESTAURANTS OF
ILLINOIS, INC.,

Defendant.

Case No. 1:21-cv-1769

Judge Charles R. Norgle

ORDER

Plaintiff is ordered to show cause by July 9, 2021 why this case should not be transferred to District Court Judge Matthew Kennelly as a case related to Plaintiff's previous case before Judge Kennelly, No. 20-cv-00851, which involved the same hot tea incident. See LR 40.4 ("A case may be reassigned to the calendar of another judge if it is found to be related to an earlier-numbered case assigned to that judge" and certain conditions are met.).

IT IS SO ORDERED.

ENTER:



CHARLES RONALD NORGLE, Judge
United States District Court

DATE: June 9, 2021



IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT
OF ILLINOIS EASTERN DIVISION

KEENAN BROWN

Plaintiff,

V.

MCDONALDS RESTAURANT OF
ILLINOIS, INC.,

Defendant.

No. 21 cv 1769

Judge: Charles R. Norgle, Sr.

Magistrate Judge: Jeffrey Cole

NOTICE OF FILING

TO: Keenan Brown
PO Box 2784
Orland Park, IL 60462
BKEENAN720@GMAIL.COM

PLEASE TAKE NOTICE that on the 8th day of June, 2021, there was filed with the United States District Court, For The Northern District Of Illinois Eastern Division, on behalf of Defendant McDONALD'S RESTAURANTS OF ILLINOIS, INC., its: **MOTION TO DISMISS PLAINTIFF'S PRO SE COMPLAINT**, and this **Notice of Filing**.

Respectfully submitted,

McDONALD'S RESTAURANTS OF ILLINOIS, INC.

By: /s/ Stacy D. Fulco
One of Its Attorneys

Stacy D. Fulco - ARDC 6242933
Margaret L. MacNair – ARDC 6321045
BODELL BOVE LLC
2215 York Road, Suite 515
Oak Brook, IL 60523
#630/382-4800
#630/468-2158 FAX
SFulco@bodellbove.com
mmacnair@bodellbove.com

EXHIBIT (L)

PROOF OF SERVICE

Tania Hana, a non-attorney, being first duly sworn on oath, deposes and says that the foregoing **NOTICE OF FILING** and the documents referred to therein were served via Court's e-filing system, and e-mail to each person identified above on the 8th day of **June, 2021** at Oak Brook, Illinois.

/s/ Tania Hana

[x] Under penalties as provided by law pursuant to 28 USC § 1746, I certify that the statements set forth herein are true and correct.



**U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION,
ATTORNEY APPEARANCE FORM**

NOTE: In order to appear before this Court an attorney must either be a member in good standing of this Court's general bar or be granted leave to appear *pro hac vice* as provided for by Local Rules 83.12 through 83.14.

In the Matter of

Case No: 21 cv 1769

KEENAN BROWN,

Plaintiff,

v.

MCDONALDS RESTAURANT OF ILLINOIS, INC.,

Defendant.

AN APPEARANCE IS HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY FOR:
McDONALD'S RESTAURANTS OF ILLINOIS, INC.

NAME (Type or print)	
Stacy D. Fulco	
SIGNATURE (Use electronic signature if the appearance form is filed electronically)	
/s/ Stacy D. Fulco	
FIRM	
BODELL BOVE LLC	
STREET ADDRESS	
2215 York Road, Suite 515	
CITY/STATE/ZIP	
Oak Brook, IL 60523	
ID NUMBER (SEE ITEM 3 IN INSTRUCTIONS)	TELEPHONE NUMBER
06242933	630/382-4800
ARE YOU ACTING AS LEAD COUNSEL IN THIS CASE? YES	
ARE YOU ACTING AS LOCAL COUNSEL IN THIS CASE? NO	
ARE YOU A MEMBER OF THIS COURT'S TRIAL BAR? YES	
IF THIS CASE REACHES TRIAL, WILL YOU ACT AS THE TRIAL ATTORNEY? YES	
IF THIS IS A CRIMINAL CASE, CHECK THE BOX BELOW THAT DESCRIBES YOUR STATUS.	
RETAINED COUNSEL APPOINTED COUNSEL	

EXHIBIT (M)

[Services](#) [Publications/Forms](#) [Departments](#) [News](#) [Contact](#)



Ofi

CYBERDRIVEILLINOIS.COM

Corporation/LLC Search/Certificate of Good Standing

Message

Your search for McDonald's Restaurants inc, did not match any records.

Please try again.

[Return to Search](#)

This information was printed from www.cyberdriveillinois.com, the official website of the Illinois Secretary of State's Office.



FILED

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

FEB - 5 2020

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS****THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT****IN FORMA PAUPERIS APPLICATION
AND FINANCIAL AFFIDAVIT**KEENAN BROWN

Plaintiff

v.

Mc'DONALD's RESATARUNT INC'S

Defendant(s).

1:20-cv-00851

Judge Matthew F. Kennelly
Magistrate Judge Young B. Kim

Instructions: This application must be updated at least annually. Please answer every question. Do not leave any blanks. If the answer is "none" or "not applicable (N/A)," write that response. Wherever a box is included, place a ✓ in whichever box applies. If you need more space to answer a question or to explain your answer, attach an additional page that refers to each such question by number and provide the additional information. Please print or type your answers.

Application: I, KEENAN BROWN, declare that I am the ☒ plaintiff ☐ petitioner ☐ movant ☐ (other _____) in the above-entitled case. This affidavit constitutes my application to proceed ☐ without full prepayment of fees, or ☐ in support of my motion for appointment of counsel, or ☒ both. I declare that I am unable to pay the costs of these proceedings, and I believe that I am entitled to the relief sought in the complaint/petition/motion/appeal. I understand that the judge can grant my application, deny my application, or require that I pay a partial filing fee. In support of my application, I answer the following questions under penalty of perjury.

1. Are you currently incarcerated? ☐ Yes ☒ No
(If "No" go to question 2.)

ID #: N/A Name of prison or jail: N/A
Do you receive any payment from the institution? ☐ Yes ☐ No
Monthly amount: N/A

2. Are you currently employed? ☐ Yes ☒ No

A. If the answer is "yes," state your:
Monthly salary or wages: N/A
Name and address of employer: N/A

B. If the answer is "no," state your:
Beginning and ending dates of last employment: 12/22/2020 1-12-2020
Last monthly salary or wages: 17HR

Name and address of employer: PARAMOUNT STAFFING COMPANY

3. Are you married? ☐ Yes ☒ No
If the answer is "yes", is your spouse currently employed? ☐ Yes ☒ No

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]



[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

Spouse's Monthly salary or wages: N/AName and address of employer: N/AN/A

4. In addition to your income stated above in response to Question 2 (which you should not repeat here), have you or anyone else living at the same residence received more than \$200 in the past twelve months from any of the following sources? Place a ✓ next to "Yes" or "No" in each of the categories A through G, check all boxes that apply in each category, and fill in the twelve-month total in each category.

A. ☐ Salary or ☒ wages ☐ Yes ☒ No

Total received in the last 12 months: 3200Received by: JOBS

B. ☐ Business, ☐ profession or ☐ other self-employment ☐ Yes ☒ No

Total received in the last 12 months: N/A

Received by: _____

C. ☐ Rental income, ☐ interest or ☐ dividends ☐ Yes ☒ No

Total received in the last 12 months: HOMELESS NOW LIVE INReceived by: CAR FOR NOW

D. ☐ Pensions, ☐ social security, ☐ annuities, ☐ life insurance, ☐ disability, ☐ workers' compensation, ☐ Yes ☒ No

☐ alimony or maintenance or ☐ Settlement/Judgment or ☐ child supportTotal received in the last 12 months: N/AReceived by: N/A

E. ☐ Gifts or ☐ inheritances ☐ Yes ☒ No

Total received in the last 12 months: FAMILY IS NOT WEALTHY

Received by: _____

F. ☐ Unemployment, ☐ welfare, or ☐ any other public assistance ☐ Yes ☐ No

Total received in the last 12 months: SANP BENFINTS

Received by: _____

G. ☐ Any other sources (describe source: DOOR DASH) ☒ Yes ☐ No

Total received in the last 12 months: 200

Received by: _____

5. Do you or anyone else living at the same residence have more than \$200 in cash or checking or savings accounts? ☐ Yes ☒ No

Total amount: \$43.00

In whose name held: _____ Relationship to you: _____

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]



[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

6. Do you or anyone else living at the same residence own any stocks, bonds, securities or other financial instruments? ☐ Yes ☒ No
 Property: N/A Current value: N/A
 In whose name held: N/A Relationship to you: N/A
7. Do you or anyone else living at the same residence own any real estate (with or without a mortgage)? Real estate includes, among other things, a house, apartment, condominium, cooperative, two-flat, etc. ☐ Yes ☒ No
 Type of property and address: N/A
 Current value: _____ Equity: _____ (Equity is the difference between what the property is worth and the amount you owe on it.)
 In whose name held: _____ Relationship to you: _____
 Amount of monthly mortgage or loan payments: _____
 Name of person making payments: _____
8. Do you or anyone else living at the same residence own any automobiles with a current market value of more than \$1000? ☐ Yes ☒ No
 Year, make and model: NISSAN ALTIMA
 Current value: 500 Equity: N/A (Equity is the difference between what the automobile is worth and the amount you owe on it.)
 Amount of monthly loan payments: 0
 In whose name held: PLAINTIFF Relationship to you: N/A
 Name of person making payments: N/A
9. Do you or anyone else living at the same residence own any boats, trailers, mobile homes or other items of personal property with a current market value of more than \$1000? ☐ Yes ☒ No
 Property: N/A
 Current value: N/A Equity: N/A (Equity is the difference between what the property is worth and the amount you owe on it.)
 Amount of monthly loan payments: N/A
 In whose name held: N/A Relationship to you: N/A
 Name of person making payments: N/A
10. List the persons who live with you who are dependent on you for support. State your relationship to each person and state whether you are entirely responsible for the person's support or the specific monthly amount you contribute to his or her support. If none, check here: ☒ None.
I DONT HAVE FAMILY
11. List the persons who do not live with you who are dependent on you for support. State your relationship to each person and state how much you contribute monthly to his or her support. If none, check here: ☒ None.
MYSLEF

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]



[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

I declare under penalty of perjury that the above information is true and correct. I understand that 28 U.S.C. § 1915(e)(2)(A) states that the court shall dismiss this case at any time if the court determines that my allegation of poverty is untrue.

Date: 2/4/2020

[Signature]
Signature of Applicant

KEENAN BROWN

(Print Name)

NOTICE TO PRISONERS: In addition to the Certificate below, a prisoner must also attach a print-out from the institution(s) where he or she has been in custody during the last six months showing all receipts, expenditures and balances in the prisoner's prison or jail trust fund accounts during that period. Because the law requires information as to such accounts covering a full six months before you have filed your lawsuit, you must attach a sheet covering transactions in your own account – prepared by each institution where you have been in custody during that six-month period. As already stated, you must also have the Certificate below completed by an authorized officer at each institution.

CERTIFICATE

(Incarcerated applicants only)

(To be completed by the institution of incarceration)

I certify that the applicant named herein, _____, I.D.# _____, has the sum of \$ _____ on account to his/her credit at (name of institution) _____. I further certify that the applicant has the following securities to his/her credit: _____. I further certify that during the past six months the applicant's average monthly deposit was \$ _____. (Add all deposits from all sources and then divide by number of months).

Date _____

Signature of Authorized Officer

(Print Name)



[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

U.S. District Court for the Northern District Of Illinois Appearance Form for Pro Se Litigants

Information entered on this form is required for any case filed in this court as a pro se party (that is, without an attorney). **Please PRINT** the following information.

Case Title: OTHER PERSONAL
INJURY LIABILITY

1:20-cv-00851
Judge Matthew F. Kennelly
Magistrate Judge Young B. Kim


An appearance is hereby filed by the undersigned as a pro se litigant:

Name: Keenan Brown

Street Address: P.O. BOX 2784

City/State/Zip: ORLAND PARK IL 60462

Phone Number: 312-978-2385

Signature: 

Executed on (date): 2/4/2020 ^{sth}

REQUEST TO RECEIVE NOTICE THROUGH E-MAIL

If you check the box below and provide an e-mail address in the space provided, you will receive notice via e-mail. By checking the box and providing an e-mail address, under Federal Rule of Civil Procedure 5(b)(2)(E) you are waiving your right to receive a paper copy of documents filed electronically in this case. You should not provide an e-mail address if you do not check it frequently.

- ☒ I request to be sent notices from the court via e-mail. I understand that by making this request, I am waiving the right to receive a paper copy of any electronically filed document in this case. I understand that if my e-mail address changes I must promptly notify the Court in writing.

BKEENAN720@GMAIL.COM

E-Mail Address (Please PRINT legibly.)

Rev. 06/23/2016



FILED

FEB - 5 2020

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

10. Every one of the four complaints the plaintiff has filed has been regarding one transaction – the purchase of hot tea at the Bolingbrook McDonald's restaurant on October 24, 2019.

11. In this case, all three requirements of res judicata are met. The plaintiff filed a prior lawsuit in the Northern District of Illinois, No. 20 cv 851, and the lawsuit was based on the exact same incident which is alleged in the current complaint. In both complaints, the plaintiff asserts an alleged incident which took place on October 24, 2019 at a Bolingbrook McDonald's restaurant whereby the plaintiff claims he was injured from hot tea and racially discriminated against. Furthermore, in both cases the plaintiff sued McDonald's. The plaintiff did not use the proper entity name in the first complaint, but the complaint was against McDonald's Restaurants. Lastly, the court entered a final judgment in the initial case, dismissing all federal court claims with prejudice. (Ex. F).

12. If the plaintiff wanted to assert claims pursuant to 42 USC §1981 and 28 USC §1332, those must have been asserted in the initial case. Once the plaintiff's complaint as to all federal claims was dismissed with prejudice, the plaintiff's only options were to file an appeal to the Seventh Circuit or re-file in state court. Pursuant to res judicata the plaintiff is barred from filing a new complaint and asserting federal claims. Therefore, the plaintiff's complaint should be dismissed with prejudice.

Rule 12(b)(1) Failure To Establish Court's Diversity Jurisdiction Over This Action

13. Assuming *arguendo*, the court does not dismiss the plaintiff's complaint based on res judicata, the complaint should be dismissed pursuant to Rule 12(b)(1) because the court does not have diversity jurisdiction over this action.

